

**City of Fayetteville**  
**Regular Mayor and City Council Meeting**  
**Minutes**  
**November 17, 2005**

**Call to Order**

The Mayor and City Council of Fayetteville met in regular session on Thursday, November 17, 2005 at 7:30 p.m. in the Council Chambers at City Hall. Mayor Steele called the meeting to order, and led those attending in the Pledge of Allegiance to the Flag. Council members present were: Larry Dell, Walt White, Wilson Price and Glenn Brewer. Councilman Al Hovey-King was not present for this meeting. Staff members present were City Manager Joe Morton and City Clerk Judy Stephens.

Dell moved to approve the minutes of the Regular Council Meeting of November 3, 2005. Price seconded the motion. The motion carried unanimously.

**Public Hearings:**

Mayor Steele called Public Hearing on Beer, Wine and Distilled Spirits License for Long Branch Restaurant located 692 North Glynn Street for Jackie Black.

Dell moved to approve Beer, Wine and Distilled Spirits License for Long Branch Restaurant located 692 North Glynn Street for Jackie Black. Price seconded the motion. The motion carried unanimously.

Mayor Steele called Public Hearing and 2<sup>nd</sup> Reading on Proposed Ordinance #0-38-05 – Amendment to Solid Waste Ordinance.

Don Easterbrook, City Engineer stated this amendment to the Solid Waste Ordinance will require customers to remove their garbage containers from the street by 7:00 AM on day following pick up. This is in response to problems with people leaving their containers out for several days following pick up.

There were no public comments.

White moved to adopt Ordinance #0-38-05 – Amendment to Solid Waste Ordinance. Price seconded the motion.

For motion: White, Price, Brewer

Against motion: Dell

Motion carried.

Mayor Steele stated that Georgia Law requires that certain disclosures have to be made when considering any rezoning.

Mayor Steele asked the Council “to the best of your knowledge gentlemen do you or any member of your family have a property interest in any real property that could be affected beneficially or adversely by the approval or denial of the petitions for rezoning that are under consideration?”

Mayor Steele and all Council Members responded no.

Mayor Steele asked the Council “to the best of your knowledge do you or any member of your family have a financial interest in any business entity which has a property interest in any real property that could be affected, beneficially or adversely, by the approval or denial of the petition for rezoning that is under consideration?”

Mayor Steele and all Council Members responded no.

Mayor Steele asked the City Clerk “to state whether any applicant for rezoning has filed a campaign contribution disclosure report in connection with the petition for rezoning and if so, will the Clerk please indicate whether the applicant made any campaign contributions to the Mayor or a member of the Council aggregating \$250.00 or more within the two (2) years preceding the filing of the petition for rezoning.

Judy Stephens, City Clerk, responded that no disclosure reports had been filed.

Mayor Steele stated that if any member of the public speaks in opposition to the petitions for rezoning, they must first state whether, within the two years immediately preceding the filing of the petition for rezoning that you oppose, you made campaign contributions aggregating \$250.00 or more to the Mayor or any other member of the City Council. If you have, please state whether you have filed a disclosure report with the city within five days of the first hearing on these petitions for rezoning.

Mayor Steele requested that any member of the public that speaks in support or opposition of the petition for rezoning coming under consideration, state their name and address for the record.

Mayor Steele stated that written copies of the zoning standards and the policies and procedures governing the calling and conducting of these hearings are available from the City Clerk if anyone would like a copy.

Mayor Steele called Public Hearing and 1<sup>st</sup> Reading on Proposed Ordinance #0-39-05 – Annexation Request from Advanced Aesthetics to annex into the City of Fayetteville 7.80 acres located Land Lot 125 of the 5<sup>th</sup> District.

Eldridge Gunn, City Planner stated the applicant is proposing to annex the area located along Georgia Highway 54, between Yorktown Drive and Hickory Avenue in the 5th Land District, Tax Map Number 22, Parcel Numbers 22 and 27. There are two (2) owners and two (2) parcels. The property will be combined into one lot.

The applicant is proposing to construct two approximately 40,000 square foot, two-story buildings for medical/professional office use. The buildings will be developed in two phases. The current business on site, Advanced Aesthetics, will occupy 25% of the building constructed in the first stage. That building will also dedicate 5,000 square feet for an ambulatory surgical center. The building constructed during the second phase will be leased entirely to other tenants.

The property is currently zoned O-I (Office-Institutional) in the County and the Petitioner has requested O-I (Office-Institutional) in the City. The Future Land Use map designates this property Office. Accordingly, the City would designate this area on its zoning map as O-I (Office-Institutional).

Proposed access to the property will be through a shared drive off of Highway 54. The two buildings will also share parking and will be connected by a landscaped walkway with adjacent garden areas.

The site is within the Fayette County water district. Sewer service will be provided by the City of Fayetteville.

Police services will be provided by the City of Fayetteville and the Fayetteville Fire Department will be the first responder to this area.

There were no Public Comments.

Mayor Steele advised this Ordinance would come up for a vote at the December 1, 2005 meeting.

Mayor Steele called Public Hearing and 1<sup>st</sup> Reading on Proposed Ordinance #0-40-05 – Rezoning Request from Advanced Aesthetics to rezone 7.80 acres located Land Lot 125 of the 5<sup>th</sup> District from County O&I to City O&I.

Eldridge Gunn, City Planner stated the property is currently zoned O-I (Office-Institutional) in the County and the Petitioner has requested O-I (Office-Institutional) in the City. The Future Land Use map designates this property Office. Accordingly, the City would designate this area on its zoning map as O-I (Office-Institutional).

There were no Public Comments.

Mayor Steele advised this Ordinance would come up for a vote at the December 1, 2005 meeting.

Mayor Steele called Public Hearing and 1<sup>st</sup> Reading on Proposed Ordinance #0-41-05 - Amendment to the City of Fayetteville Zoning Ordinance Section 94-162 to address Crematories in the RP (Residential Professional) Zoning District.

Eldridge Gunn, City Planner advised at the request of the Planning & Zoning Commission, Staff drafted an amendment to the zoning ordinance (Sec. 94-162) allowing crematories in the RP (Residential Professional) zoning district. Currently, crematories are an allowed use only in the M-2 (Heavy Manufacturing) zoning district.

General information on crematories, including environmental studies, was presented at the August 23, 2005 Planning and Zoning as a discussion item by Mr. C.J. Mowell. Mr. Mowell's funeral home is located in the RP (Residential Professional) zoning district and would be affected by this amendment.

After discussion, the majority of the Commission felt that M-2 (Heavy Manufacturing) was an appropriate zoning category to accommodate a crematory use.

At the October 25<sup>th</sup> meeting, the Planning and Zoning Commission recommended denying a change to the amendment to allow crematories in the RP (Residential Professional) zoning district.

C.J. Mowell appeared before council asking that this amendment be approved and to answer questions anyone might have.

Shirley Butel asked several questions about a crematory.

Mayor Steele advised this Ordinance would come up for a vote at the December 1, 2005 meeting.

Mayor Steele called Public Hearing and 1<sup>st</sup> Reading on Proposed Ordinance #0-42-05 - Amendment to Water and Sewer Ordinance /Conservation Rate.

Ellen Walls, Assistant Finance Director stated staff is recommending changes to our existing rate schedules to meet the required Water Conservation Actions as adopted by the Atlanta Regional Commission (ARC) that will apply to consumers in the 16 District counties. Water Conservation Action No. 1 – Establish conservation pricing by all District utilities. The goal of conservation pricing is to reduce excessive discretionary water use, especially outdoor irrigation, by making water use increasingly more expensive. To meet the year 2030 conservation goals, all District utilities should implement at least a 3-tiered rate structure by 2006. The proposed rates have been developed to allow the residential customer to use up to 20,000 gallons of water before conservation rates go into effect. Water usage in excess of 20,000 gallons will be charged 110% of the regular per thousand gallon rate.

There were no Public Comments.

Mayor Steele advised this Ordinance would come up for a vote at the December 1, 2005 meeting.

Mayor Steele called Public Hearing on Resolution – R-20-05 – Transmittal of City of Fayetteville Comprehensive Plan to ARC & DCA.

Courtney Power, Representing ISE appeared before council and stated as you know, a major update of Fayetteville's Comprehensive Plan is required by February 28<sup>th</sup>, 2007. On September 1, 2005 City Council approved a Task Order Form (TOF) from Integrated Science and Engineering (ISE) for management and development consulting services to assist in developing and securing approval of a Comprehensive Plan that will:

- Provide a guide to everyday decision-making for use by local government officials and other community leaders;
- Involve all segments of the community in developing a vision for the community's future;
- Generate local pride and interest about the community; and
- Engage the local citizens in plan implementation.

In accordance with the new comprehensive planning standards and requirements set forth in the Georgia Planning Act and Rules of the Department of Community Affairs; the comprehensive plan must include three components: (1) Community Assessment, (2) Community Participation Program, and (3) Community Agenda. Upon completion, the local government must submit its Community Assessment and Community Participation Program concurrently to DCA for review.

The Community Assessment is an objective and professional assessment of data and information about the community prepared without public participation. The purpose of the Community Assessment is to present a factual and conceptual foundation upon which the rest of the comprehensive plan is built.

The Community Participation Program describes the strategy for ensuring adequate public and stakeholder involvement in the preparation of the Community Agenda portion of the plan.

And the last component, the Community Agenda is the community's vision for the future as well as its strategy for achieving this vision. Significant public input is required at this stage of the plan.

Immediately following approval of the TOF a Project Team was created to help guide the development of the plan. That Project Team consists of: Mayor Ken Steele, City Manager Joe Morton; Planning & Zoning Chairperson, Sarah Murphy; City Staff Don Easterbrook, and Eldridge Gunn; and ISE Staff Ron Feldner, Courtney Power, and Ed DiTommaso. The team is now ready to present for your review draft information of the Community Assessment and Community Participation Program components.

Once these two components have been approved by City Council, it will be transmitted to DCA for approval to begin the third and final component, the Community Agenda.

There were no Public Comments.

White moved to adopt Resolution – R-20-05 – Transmittal of City of Fayetteville Comprehensive Plan to ARC & DCA. Dell seconded the motion. The motion carried unanimously.

**New Business:**

Mayor Steele Presented Resolution R-21-05 – Election Results.

Mayor Steele advised the Mayor and Council of the City of Fayetteville, Georgia, having canvassed the returns of said election found that the votes cast for the candidates were as follows:

**POST 3**

Walt White received 407 votes

**POST 4**

Larry Dell received 388 votes

**POST 5**

Al Hovey-King received 248 Votes

Paul Oddo received 337 votes

Therefore, it is hereby resolved by the Mayor and Council of the City of Fayetteville, Georgia that as a result of said election, Walt White is duly elected Councilman Post # 3, Larry Dell is duly elected Councilman Post # 4, and Paul Oddo is duly elected Councilman Post # 5 of said City of Fayetteville, Georgia.

Dell moved to adopt Resolution R-21-05 – Election Results. Price seconded the motion. The motion carried unanimously.

Rick Eastin, Director of Water and Sewer presented bid for Wastewater Treatment Plant.

Dan Davis with ISE appeared before council and stated we have reviewed the bids received at City Hall at 2:00 P.M., local time, on October 6, 2005, for construction of the referenced project. A total of five (5) bids were received. The following is a summary of the bids.

<b><u>Bidder</u></b>	<b><u>d Amount</u></b>
1. Reynolds, Inc.	\$12,269,000.00
2. Max Foote Construction Co., Inc.	\$13,385,000.00
3. Pizzagalli Construction Co.	\$13,395,000.00
4. Atlantic Skanska	\$13,446,826.00
5. Adams Robinson Construction	\$14,243,000.00

A certified tabulation of all bids received is attached. A copy of the tabulation has been mailed to each bidder for their information.

All bidders submitted with their bid a 5% bid bond from a surety company listed on U. S. Treasury Circular 570 (7/1/2005).

The low bid amount of \$12,269,000.00 was submitted by Reynolds, Inc. and was higher than the construction cost estimate and funds available for the work. Based on the close grouping of the bids, it is our opinion that the low bid is representative of the project cost. Factors contributing to higher than expected bid amounts include fuel costs, material cost increases and increasing labor costs.

Based on a check of the references provided by the Low Bidder, Reynolds, Inc., has successfully completed numerous projects, which are similar in scope to this project. In addition, Reynolds, Inc., has sufficient equipment and finances to accomplish work associated with this project based on a check of references.

Since the low bid amount was higher than funds available for the project, Integrated Science & Engineering entered into cost reduction negotiations with the Low Bidder. Based on these negotiations, the Low Bid Amount was reduced by \$399,900.00, which lowered the low bid amount to \$11,869,100.00. Refer to the attached memorandum dated October 31, 2005, which outlines deductions that were accepted as a result of the negotiations. Since this amount is more than the funds available for the project, additional funds in the amount of \$2,689,744 were requested from GEFA to finance the difference between available funds for construction and the negotiated low bid amount. GEFA will act on approval of the additional funds necessary for the project on November 16, 2004 and GEFA has indicated that additional funds will be approved contingent upon the City adopting a water and sewer rate adjustment to provide additional debt service coverage. According to GEFA, the rate adjustment must go into affect no later than March 31, 2007.

Water and Sewer system user rates are presently being studied to determine the extent of the rate adjustment necessary for debt service associated with financing of the construction cost. It is anticipated that recommendations from the rate study will be presented to City Council for review and adoption in early 2006. In addition, the City will adjust the Sewer Proportionate Share Fees for new development to recover cost associated with wastewater facility improvements.

Integrated Science & Engineering, Inc., therefore, recommends that the City award the construction contract to Reynolds, Inc. in the amount of \$11,869,100.00 for construction of the Whitewater Creek WPCP Facility Upgrade project contingent on adequate funds being available for the project construction.

Dell moved to award bid to Reynolds, Inc. in the amount of \$11,869,100.00 for construction of the Whitewater Creek WPCP Facility Upgrade. White seconded the motion. The motion carried unanimously.

Joe Morton, City Manager advised the Ellis Rd. traffic signal is now in operation.

Dell moved to adjourn the meeting. Price seconded the motion. The motion carried unanimously.

Respectfully submitted,

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Judy Stephens, City Clerk